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APPLICATION NO. FILING DATE		NG DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/620,711 07/16/2003		Weiling Peng	HARD1.063A	9592		
20995	7590	09/28/2006		EXAMINER		
		OLSON & BEA	GILBERT, W	GILBERT, WILLIAM V		
2040 MAIN FOURTEEN			ART UNIT	PAPER NUMBER		
IRVINE, CA	A 92614		3635			
				DATE MAILED: 09/28/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

			Application No.		Applicant(s)					
Office Action Summary			10/620,711		PENG, WEILING					
			Examiner		Art Unit					
			William Gilbert		3635					
Period fo	The MAILING DATE of this commun or Reply	ication appe	ears on the cover	sheet with the co	orrespondence ad	ldress				
WHIC - Exter after - If NO - Failu Any	ORTENED STATUTORY PERIOD F CHEVER IS LONGER, FROM THE N raisons of time may be available under the provisions SIX (6) MONTHS from the mailing date of this comn period for reply is specified above, the maximum st re to reply within the set or extended period for reply reply received by the Office later than three months a red patent term adjustment. See 37 CFR 1.704(b).	MAILING DA's of 37 CFR 1.136 nunication. atutory period will will, by statute, c	TE OF THIS CO 6(a). In no event, howe Il apply and will expire cause the application to	OMMUNICATION ever, may a reply be time SIX (6) MONTHS from to become ABANDONED	l. ely filed the mailing date of this c O (35 U.S.C. § 133).					
Status										
1)⊠	Responsive to communication(s) file	ed on <i>16 Jul</i>	lv 2003							
	This action is <b>FINAL</b> . 2b) ☐ This action is non-final.									
- /_		/			secution as to the	e merits is				
-,	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.									
Dispositi	on of Claims									
4)  <del>⊠</del>	4)⊠ Claim(s) <u>1-70</u> is/are pending in the application.									
1/123	4a) Of the above claim(s) is/are withdrawn from consideration.									
5)	Claim(s) is/are allowed.									
·	Claim(s) is/are rejected.									
	Claim(s) is/are objected to.									
8)🛛	8) Claim(s) 1-70 are subject to restriction and/or election requirement.									
Applicati	on Papers									
9)□	The specification is objected to by th	e Examiner.								
	The drawing(s) filed on is/are:			ected to by the E	Examiner.					
,	Applicant may not request that any obje									
	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).									
11)	The oath or declaration is objected to	o by the Exa	aminer. Note the	attached Office	Action or form P	ΓΟ-152.				
Priority (	ınder 35 U.S.C. § 119									
	12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:									
	1. Certified copies of the priority documents have been received.									
	2. Certified copies of the priority documents have been received in Application No									
	3. Copies of the certified copies of the priority documents have been received in this National Stage									
	application from the Internation		•	• • • •						
* 5	See the attached detailed Office action	on for a list o	of the certified co	pies not receive	d.					
Attachmen			• =							
	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (F	OTO 049\	4) 🔲	Interview Summary Paper No(s)/Mail Da						
	e of Dransperson's Patent Drawing Review (F mation Disclosure Statement(s) (PTO/SB/08)	10-940)		Notice of Informal Pa						
Paper No(s)/Mail Date 6) Other:										

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## Restriction Requirement

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- ١. Claims 1-22, 43-55, drawn to a fiber cement product with a removable protective layer, classified in class 428, subclass 41.7; and claims 26-42, 56-70, drawn to a method of adhering a protective layer to a finish layer. classified in class 156, subclass 60.
- II. Claims 23-25, drawn to a method of constructing a building, classified in class 52, subclass 745.05.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case, the product can be used in a materially different process of using such as attaching the product to a slab instead of to a frame.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

## Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Van Gilbert whose telephone number is (571) 272-9055. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naoko Slack can be reached on (571) 272-6848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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